

Name of Presiding Judge, Honorable

N. J. BUA

15 3002

8/22/80

Cause No. 80 C 3213

Date August 22, 1980

Title of Cause UNITED STATES OF AMERICA v. ACME REFINING CO.

Brief Statement
of Motion

1st status

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and
Addresses of
moving counsel

Representing

Names and
Addresses of
other counsel
entitled to
notice and names
of parties they
represent.

Reserve space below for notations by minute clerk

Enter stipulated order of dismissal. (DRAFT)

Hand this memorandum to the Clerk.

Counsel will not rise to address the Court until motion has been called.

RECEIVED
AUG 25 1980

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ACME REFINING COMPANY, a
corporation, W.P.C. COMPANY,
a corporation, and LOUIS BARON,
an individual,

Defendants.

NO. 80 C 3213
JUDGE BUA

STIPULATED ORDER OF DISMISSAL

This matter came before the Court upon the complaint of the United States of America, filed on behalf of the U.S. Environmental Protection Agency, without adjudication or admission of any issues of fact or law, and upon the consent and agreement of the parties to this Stipulated Order of Dismissal, it is hereby stipulated between the parties as follows:

1. This Court has jurisdiction of the subject matter and of the parties consenting to this Stipulated Order of Dismissal.

2. Defendant, Acme Refining operates a scrap metal yard at 829 W. 22nd Place, Chicago, Illinois. Defendant, LOUIS BARON is the President of Acme Refining Co. Defendant, Acme Refining is also engaged in the handling and storage of solid waste which may be hazardous in the vicinity of its property.

3. On June 20, 1980, plaintiff filed a complaint alleging that the handling and storage of solid and hazardous wastes by defendant, Acme Refining Company, presented an imminent and substantial endangerment to health or the environment, in violation of 42 U.S.C. Section 6973.

4. Defendant W.P.C. Company is not involved in the activities set forth in the complaint and is hereby dismissed.

5. Defendant, Acme Refining Company, under the direction of its President, LOUIS BARON, has developed and implemented a clean-up program to remedy the activities alleged in the complaint. The clean-up program was developed in consultation with U.S. EPA and consists of the following:

- a. The contaminated catch basins were cleaned on June 26, 1980.
- b. Defendant, Acme Refining Company has moved all the drums formerly located on the street adjacent to the Acme site to a fenced lot at the southwest corner of Halsted and 22nd Place. In the future, defendants agree not to place any drums on the street.
- c. Defendant, Acme Refining Company has obtained a registration number from the Illinois Environmental Protection Agency which authorizes the removal of the drums containing paint sludge by American Waste Haulers. American Waste Haulers is to pick up the drums of paint sludge in their own trucks by August 21, 1980.

- d. Defendant, Acme Refining Company agrees to place the drums containing waste oil on pallets, without stacking the drums, and with adequate access to the drums for fire control equipment.
- e. Defendant, Acme Refining Company will cooperate with the City of Chicago's Department of Streets & Sanitation in the latter's efforts to remove contaminated soil from the street adjacent to the Acme site by removing debris and machinery from the public right of way

6. Nothing in this Stipulated Order of Dismissal shall prevent plaintiff from instituting a judicial or administrative action against defendant for any violation of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, and the regulations promulgated thereunder for events other than those alleged in the complaint.

On the basis of the foregoing, it is hereby agreed that this cause of action should be and hereby is
DISMISSED WITH PREJUDICE.

ACME REFINING COMPANY

BY:

Thomas P. Sullivan
Pres

DATE: August 22, 1980

UNITED STATES OF AMERICA

THOMAS P. SULLIVAN
United States Attorney

BY:

Gail C. Ginsberg

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Nicholas J. Bua
NICHOLAS J. BUA
UNITED STATES DISTRICT JUDGE